

nonhuman primates, squirrels, ocelots, foxes, coyotes, etc.;

(3) Any establishment or person selling warmblooded animals (except birds, and laboratory rats and mice) for research or exhibition purposes; and

(4) Any establishment wholesaling any animals (except birds, rats and mice).

(5) Any establishment exhibiting pet animals in a room that is separate from or adjacent to the retail pet store, or in an outside area, or anywhere off the retail pet store premises.

*Sanitize* means to make physically clean and to remove and destroy, to the maximum degree that is practical, agents injurious to health.

*Secretary* means the Secretary of Agriculture of the United States or his representative who shall be an employee of the Department.

*Sheltered housing facility* means a housing facility which provides the animals with shelter; protection from the elements; and protection from temperature extremes at all times. A sheltered housing facility may consist of runs or pens totally enclosed in a barn or building, or of connecting inside/outside runs or pens with the inside pens in a totally enclosed building.

*Standards* means the requirements with respect to the humane housing, exhibition, handling, care, treatment, temperature, and transportation of animals by dealers, exhibitors research facilities, carriers, intermediate handlers, and operators of auction sales as set forth in part 3 of this subchapter.

*State* means a State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or any other territory or possession of the United States.

*Study area* means any building room, area, enclosure, or other containment outside of a core facility or centrally designated or managed area in which animals are housed for more than 12 hours.

*Transporting device* means an interim vehicle or device, other than man, used to transport an animal between the primary conveyance and the terminal facility or in and around the terminal facility of a carrier or intermediate handler.

*Transporting vehicle* means any truck, car, trailer, airplane, ship, or railroad car used for transporting animals.

*Weaned* means that an animal has become accustomed to take solid food and has so done, without nursing, for a period of at least 5 days.

*Wild animal* means any animal which is now or historically has been found in the wild, or in the wild state, within the boundaries of the United States, its territories, or possessions. This term includes, but is not limited to, animals such as: Deer, skunk, opossum, raccoon, mink, armadillo, coyote, squirrel, fox, wolf.

*Wild state* means living in its original, natural condition; not domesticated.

*Zoo* means any park, building, cage, enclosure, or other structure or premise in which a live animal or animals are kept for public exhibition or viewing, regardless of compensation.

[54 FR 36119, Aug. 31, 1989, as amended at 55 FR 12631, Apr. 5, 1990; 58 FR 39129, July 22, 1993; 62 FR 43275, Aug. 13, 1997]

## PART 2—REGULATIONS

### Subpart A—Licensing

#### Sec.

- 2.1 Requirements and application.
- 2.2 Acknowledgement of regulations and standards.
- 2.3 Demonstration of compliance with standards and regulations.
- 2.4 Non-interference with APHIS officials.
- 2.5 Duration of license and termination of license.
- 2.6 Annual license fees.
- 2.7 Annual report by licensees.
- 2.8 Notification of change of name, address, control, or ownership of business.
- 2.9 Officers, agents, and employees of licensees whose licenses have been suspended or revoked.
- 2.10 Licensees whose licenses have been suspended or revoked.
- 2.11 Denial of initial license application.

### Subpart B—Registration

- 2.25 Requirements and procedures.
- 2.26 Acknowledgement of regulations and standards.
- 2.27 Notification of change of operation.

### Subpart C—Research Facilities

- 2.30 Registration.
- 2.31 Institutional Animal Care and Use

## Animal and Plant Health Inspection Service, USDA

## § 2.1

- Committee (IACUC).
- 2.32 Personnel qualifications.
- 2.33 Attending veterinarian and adequate veterinary care.
- 2.34 [Reserved]
- 2.35 Recordkeeping requirements.
- 2.36 Annual report.
- 2.37 Federal research facilities.
- 2.38 Miscellaneous.

### Subpart D—Attending Veterinarian and Adequate Veterinary Care

- 2.40 Attending veterinarian and adequate veterinary care (dealers and exhibitors).

### Subpart E—Identification of Animals

- 2.50 Time and method of identification.
- 2.51 Form of official tag.
- 2.52 How to obtain tags.
- 2.53 Use of tags.
- 2.54 Lost tags.
- 2.55 Removal and disposal of tags.

### Subpart F—Stolen Animals

- 2.60 Prohibition on the purchase, sale, use, or transportation of stolen animals.

### Subpart G—Records

- 2.75 Records: Dealers and exhibitors.
- 2.76 Records: Operators of auction sales and brokers.
- 2.77 Records: Carriers and intermediate handlers.
- 2.78 Health certification and identification.
- 2.79 C.O.D. shipments.
- 2.80 Records, disposition.

### Subpart H—Compliance With Standards and Holding Period

- 2.100 Compliance with standards.
- 2.101 Holding period.
- 2.102 Holding facility.

### Subpart I—Miscellaneous

- 2.125 Information as to business; furnishing of same by dealers, exhibitors, operators of auction sales, intermediate handlers, and carriers.
- 2.126 Access and inspection of records and property.
- 2.127 Publication of names of persons subject to the provisions of this part.
- 2.128 Inspection for missing animals.
- 2.129 Confiscation and destruction of animals.
- 2.130 Minimum age requirements.
- 2.131 Handling of animals.
- 2.132 Procurement of random source dogs and cats, dealers.
- 2.133 Certification for random source dogs and cats.

AUTHORITY: 7 U.S.C. 2131–2159; 7 CFR 2.22, 2.80, and 371.2(g).

SOURCE: 54 FR 36147, Aug. 31, 1989, unless otherwise noted.

## Subpart A—Licensing

### § 2.1 Requirements and application.

(a)(1) Any person operating or desiring to operate as a dealer, exhibitor, or operator of an auction sale, except persons who are exempted from the licensing requirements under paragraph (a)(3) of this section, must have a valid license. A person must be 18 years of age or older to obtain a license. A person seeking a license shall apply on a form which will be furnished by the APHIS, REAC Sector Supervisor in the State in which that person operates or intends to operate. The applicant shall provide the information requested on the application form, including a valid mailing address through which the licensee or applicant can be reached at all times, and a valid premises address where animals, animal facilities, equipment, and records may be inspected for compliance. The applicant shall file the completed application form with the APHIS, REAC Sector Supervisor.

(2) If an applicant for a license or license renewal operates in more than one State, he or she shall apply in the State in which he or she has his or her principal place of business. All premises, facilities, or sites where such person operates or keeps animals shall be indicated on the application form or on a separate sheet attached to it. The completed application form, along with the application fee indicated in paragraph (d) of this section, and the annual license fee indicated in table 1 or 2 of § 2.6 shall be filed with the APHIS, REAC Sector Supervisor.

(3) The following persons are exempt from the licensing requirements under section 2 or section 3 of the Act:

(i) Retail pet stores which sell non-dangerous, pet-type animals, such as dogs, cats, birds, rabbits, hamsters, guinea pigs, gophers, domestic ferrets, chinchilla, rats, and mice, for pets, at retail only: *Provided, That, Anyone* wholesaling any animals, selling any animals for research or exhibition, or selling any wild, exotic, or nonpet animals retail, must have a license;